

REMARKS

In the Office Action dated July 21, 2008, claims 1, 3, and 34 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,449,484 (Grubeck); claim 4 was rejected under 35 U.S.C. § 103(a) as unpatentable over Grubeck in view of U.S. Patent No. 6,134,230 (Olofsson); claim 13 was rejected under 35 U.S.C. § 103(a) as unpatentable over Grubeck in view of U.S. Patent Application Publication No. 2004/0062274 (Hakansson); and claims 36 and 40 were rejected under 35 U.S.C. § 103(a) as unpatentable over Grubeck in view of U.S. Patent No. 6,072,787 (Hamalainen).

Applicant acknowledges the allowance of claims 5-12, 14-16, 18-29, 31-33, 37-39, and 41.

Independent claim 34 has been amended to incorporate subject matter indicated by the Office Action as being allowable (*see* Statement of Reasons for Allowable Subject Matter regarding claim 38 on page 9 of the 7/21/2008 Office Action). Therefore, it is believed that claim 34 is now in condition for allowance.

It is also respectfully submitted that independent claim 1 is in condition for allowance. Claim 1 has been amended to recite that the first set of speech data has been interleaved by the mobile station according to a first algorithm over a first set of plural frames, where the first frame in the first set is spaced apart from a second frame in the first set by at least one other frame not in the first set. Support for this amendment can be found in Fig. 4A of the Specification, for example. As depicted in Fig. 4A, speech frame SF#n is interleaved such that it is in frames 1, 2, 3, and 8. Thus, in the example of Fig. 4A, SF#n is interleaved over a first set of frames that includes frames 1, 2, 3, and 8. Frame 3 and frame 8 are spaced apart by at least one other frame that is not in the first set.

Although reference is made to Fig. 4A in the above discussion, note that claim 1 is intended to cover other embodiments as well.

Grubeck does not disclose the interleaving according to the first algorithm as recited in claim 1. In Grubeck, a first information block for MS1 is assigned to TDMA frames 1-4, a second information block of MS1 is assigned to TDMA frames 5-8, and a third information block of MS1 is assigned to TDMA frames 9-12. Thus, in Grubeck, each information block is assigned to four consecutive TDMA frames; the concept of interleaving speech data over a first

set of frames such that two of the frames in the first set are separated by at least one other frame not in the first set is clearly not taught by Grubeck.

Therefore, it is submitted that claim 1 is in condition for allowance.

Independent claim 36 is also similarly allowable as claim 1.

Dependent claims are allowable for at least the same reasons as corresponding independent claims. In view of the allowability of base claims over Grubeck, the obviousness rejections of dependent claims over Grubeck and other references have been overcome.

Allowance of all claims is respectfully requested. The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 20-1504 (NRT.0072US).

Respectfully submitted,

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